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September 3, 2020

VIA ECF
District Judge Dora L. Irizarry
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

VIA ECF
Magistrate Judge James Orenstein
United States District Court, Eastern District of New York
225 Cadman Plaza East, Courtroom: 11D South
Brooklyn, NY 11201

Re: WON CHA and JIN YI LEE v. COMPASS GROUP, USA,
INC. and MICHAEL POWELL
Case No.: 1:19-cv-05233-(DLI)(JO)

Dear Judge Irizarry and Judge Orenstein:

As you are aware, this office represents the plaintiffs in this action. Please allow this letter to serve as my request for a pre-motion conference. The motion to be filed will be a motion for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting the plaintiffs partial summary judgment against the defendants on the issue of liability, upon the grounds that there are no triable issues of material fact as to liability and that, as a matter of law, the plaintiffs are entitled to such judgment, as well as dismissing the defendants' affirmative defenses alleging comparative negligence, contributory negligence and culpable conduct of the plaintiffs.

The basis for the anticipated motion includes the following. This matter stems from a motor vehicle collision which occurred on August 5, 2018, at approximately 2:00 p.m., on Horace Harding Expressway at its intersection with Francis Lewis Boulevard in Queens. A copy of the police report is enclosed. At the time of the collision, Plaintiff Jin Yi Lee was a seat-belted front seat passenger in a vehicle being operated by her husband Won Cha, who was also seat-belted. The vehicle Mr. Cha was operating and in which Ms. Lee was a passenger was struck from the rear by a vehicle owned by defendant Compass Group USA, Inc. and operated by the defendant Michael Powell in the course of

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his employment with Compass Group USA, Inc. Mr. Powell failed to maintain a safe following distance. It is evident that the defendants are 100% responsible for negligently causing this unexplained rear-end collision. The defendants are unable to put forth any non-negligent explanation for the happening of this rear-end collision. Indeed, the New York City Police Department noted that an apparent contributing cause of the accident was defendants' "Inattention/Distracted". See police accident report, and accompanying DMV document, MV-104COV, which explains the notations in the police accident report.

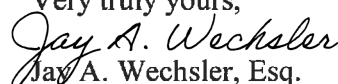
It is hornbook law in New York that when a driver of an automobile approaches another automobile from the rear, he or she is bound to maintain a reasonably safe rate of speed and control over his or her vehicle, and to exercise reasonable care to avoid colliding with the other vehicle. A driver of a vehicle approaching another vehicle from the rear is required to maintain a reasonably safe rate of speed and control over his or her vehicle and to exercise reasonable care to avoid colliding with the other vehicle. Under the New York State case law applicable to rear-end collisions, a *prima facie* case of negligence is established by proof that a stopped car was hit in the rear. See Morgan v. Flippen, 173 A.D. 3d 735 (2nd Dep't 2019); Briceno v. Milbry, 16 A.D.3d 448 (2nd Dep't 2005); Leonard v. New York, 273 A.D.2d 205 (2nd Dep't 2000); Shamah v. Richmond County Ambulance Service, Inc., 279 A.D.2d 564 (2nd Dep't 2001); Hurley v. Cavitolo, 239 A.D.2d 559 (2nd Dep't 1997).

Absent a sufficient non-negligent excuse, colliding with the rear of another vehicle is negligence as a matter of law. See Buchanan v. Keller, 169 A.D.3d 989 (2d Dep't 2019); Bernier v. Torres, 79 A.D.3d 776 (2d Dep't 2010); Lampkin v. Chan, 68 A.D. 3d 727 (2d Dep't 2009); Piltser v. Donna Lee Management Corp., 29 A.D.3d 974 (2d Dep't 2006); Milskiy v. Solanky, 8 A.D. 3d 353 (2d Dep't 2004); Danza v. Longiellere, 256 A.D.2d 434 (2d Dep't 1998). A duty of explanation is imposed on the operator of a moving vehicle that has hit a stopped vehicle because that operator is in the best position to explain whether the collision was due to a reasonable non-negligent cause. See Sorocco v. Meglio, 157 A.D.3d 838 (2d Dep't 2018); Schmertzler v. Lease Plan U.S.A., Inc., 137 A.D.3d 1101 (2d Dep't 2016); Higgins v. Ridgewood Savings Bank, 262 A.D.2d 357 (2d Dep't 1999); Reid v. Courtesy Bus Co., 234 A.D.2d 531 (2d Dep't 1996).

It is beyond question that drivers must maintain safe distances between their vehicles and vehicles in front of them, which imposes on them duty to be aware of traffic conditions, including vehicle and/or traffic stoppages. An operator of an automobile must at all times have his automobile under such control and at such a reasonable distance away from a preceding automobile so that if the preceding automobile does stop for whatever reason the operator of following vehicle can stop his automobile without ramming into the preceding one. A driver who strikes the rear of a vehicle in front of him is negligent.

The record herein establishes Defendants' clear violation of the aforementioned fundamental principles. The Defendants are unable to rebut the presumption of negligence caused by virtue of this rear-end collision. No non-negligent explanation for the happening of the collision exists. Under such circumstances, summary judgment must be granted against the rear-ending driver and Defendants in favor of the occupants of the front vehicle - in this case, the Plaintiffs.

Please advise the undersigned as to the scheduling of a pre-motion conference. Thank you for your attention to this matter.

Very truly yours,

 Jay A. Wechsler, Esq.

CC W/ENCLOSURES

VIA ECF

Westerman Ball Ederer Miller Zucker & Sharfstein, LLP

Attorney for Defendants

1201 RXR Plaza

Uniondale, NY 11556

Page 1 of 2 Pages

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT (NYC)

MV-104AN (7/11)

 Precinct
107
 Accident No.
MV-2018-107-002746

 Complaint
Number
☐ AMENDED REPORT

1	Accident Date Month: 8, Day: 5, Year: 2018		Day of Week SUNDAY		Military Time 14:00		No. of Vehicles 2		No. Injured 1		No. Killed 0		Not Investigated at Scene <input type="checkbox"/>		Left Scene <input type="checkbox"/>		Police Photos <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		19 4																																																												
2	VEHICLE 1										VEHICLE 2 <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN										20 -																																																										
3	VEHICLE 1 - Driver License ID Number: 551582067 Driver Name - exactly as printed on license: POWELL, MICHAEL Address (Include Number & Street): 11412 194 STREET City or Town: QUEENS, State: NY, Zip Code:										VEHICLE 2 - Driver License ID Number: Driver Name - exactly as printed on license: CHA, WON Address (Include Number & Street): 64-12 214 STREET City or Town: QUEENS, State: NY, Zip Code:										21 -																																																										
4	Date of Birth: Month 4, Day 13, Year 1957, Sex: M, Unlicensed: <input type="checkbox"/> Name - exactly as printed on registration: COMPASS GROUP USA Address (Include Number & Street): City or Town: State: NY, Zip Code:										Date of Birth: Month 8, Day 20, Year 1973, Sex: M, Unlicensed: <input checked="" type="checkbox"/> Name - exactly as printed on registration: MCNAMARA, JOOMI LEE Address (Include Number & Street): 64-12 214 STREET City or Town: QUEENS, State: NY, Zip Code:										22 -																																																										
5	Plate Number: 90259MJ, State of Reg: NY, Vehicle Year & Make: 2011 FORD, Vehicle Type: PICK-UP TRUCK, Ins. Code: 228 Ticket/Arrest Number(s): Violation Section(s):										Plate Number: HLM8342, State of Reg: NY, Vehicle Year & Make: 2016 JEEP, Vehicle Type: SW/SUV, Ins. Code: 326 Ticket/Arrest Number(s): ABD6039364 Violation Section(s): VTL 509-1										23 3																																																										
6	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.										Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.										24 3																																																										
7	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact: 3, Box 2 - Most Damage: 3 Enter up to three more Damage Codes: 3, 4, 5										VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact: 9, Box 2 - Most Damage: 9 Enter up to three more Damage Codes: 3, 4, 5										25 1																																																										
8	Vehicle Towed: By _____ To _____ VEHICLE DAMAGE CODING: 1-13. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER										ACCIDENT DIAGRAM 1 REAR END Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to Determine <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										26 1																																																										
9	Reference Marker: _____ Coordinates (if available): _____ Latitude/Northing: _____ Longitude/Easting: _____										Place Where Accident Occurred: <input type="checkbox"/> BRONX <input type="checkbox"/> KINGS <input type="checkbox"/> NEW YORK <input checked="" type="checkbox"/> QUEENS <input type="checkbox"/> RICHMOND Road on which accident occurred: HORACE HARDING EXPRESSWAY (Route Number or Street Name) at 1) intersecting street: FRANCIS LEWIS BOULEVARD (Route Number or Street Name) or 2) _____ N _____ S _____ E _____ W of _____ (Milepost, Nearest Intersecting Route Number or Street Name)										27 1																																																										
10	Accident Description/Officer's Notes: AT TPO DRIVER OF VEHICLE 1 STATES AS TRAFFIC SLOWED DOWN HE TRIED TO SLOW DOWN AND COLLIDED WITH VEHICLE 2. RESULTING IN COLLISION. DRIVER RMA. DRIVER OF VEHICLE 2 STATES WAS SLOWING DOWN AND WAS REAR ENDED BY VEHICLE 1. DRIVER RMA. PASSENGER TRANSPORTED TO LIJ. OFFICER DID NOT WITNESS.																		28 1																																																												
11	<table border="1"> <thead> <tr> <th>8</th> <th>9</th> <th>10</th> <th>11</th> <th>12</th> <th>13</th> <th>14</th> <th>15</th> <th>16</th> <th>17</th> <th>BY</th> <th>TO</th> <th>18</th> <th>Names of all involved</th> <th>Date of Death Only</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>1</td> <td>1</td> <td>4</td> <td>1</td> <td>61</td> <td>M</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>POWELL, MICHAEL</td> <td></td> </tr> <tr> <td>B</td> <td>2</td> <td>1</td> <td>4</td> <td>1</td> <td>44</td> <td>M</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>CHA, WON</td> <td></td> </tr> <tr> <td>C</td> <td>2</td> <td>6</td> <td>4</td> <td>1</td> <td>44</td> <td>F</td> <td>1</td> <td>13</td> <td>4</td> <td>53F</td> <td>7321</td> <td></td> <td>LEE, JINYI</td> <td></td> </tr> </tbody> </table>																		8	9	10	11	12	13	14	15	16	17	BY	TO	18	Names of all involved	Date of Death Only	A	1	1	4	1	61	M	-	-	-	-	-	-	POWELL, MICHAEL		B	2	1	4	1	44	M	-	-	-	-	-	-	CHA, WON		C	2	6	4	1	44	F	1	13	4	53F	7321		LEE, JINYI		29 1
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C	2	6	4	1	44	F	1	13	4	53F	7321		LEE, JINYI																																																																		
12	Officer's Rank and Signature: POM Print Name in Full: JAKE R GASPARI										Tax ID No.: 964009		NCIC No.: 03030		Precinct: 107		Post/Sector:		Reviewing Officer: SGT GUILLERMO A SUAREZ		Date/Time Reviewed: 08/06/2018 09:49		30 -																																																								

PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on front).

C Last Name LEE		First JINYI	M.I.	Last Name		First	M.I.
Address				Address			
Date of Birth Month Day Year		Telephone (Area Code) ()		Date of Birth Month Day Year		Telephone (Area Code) ()	
Last Name		First	M.I.	Last Name		First	M.I.
Address				Address			
Date of Birth Month Day Year		Telephone (Area Code) ()		Date of Birth Month Day Year		Telephone (Area Code) ()	
Last Name		First	M.I.	Highway Dist. at Scene? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name:	
Address				Shield No.			
Date of Birth Month Day Year		Telephone (Area Code) ()					

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1 2935950 Vehicle No. 2 229005E1052A
 Expiration Date 09/30/2017 Expiration Date 11/10/2018
 VIN 1FDXE4FLXBDB01904 VIN 1C4BJWEG8GL309769

WITNESS (Attach separate sheet, if necessary)

Name	Address	Phone

DUPLICATE COPY REQUIRED FOR:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Dept. of Motor Vehicles
(if anyone is killed/injured) | <input type="checkbox"/> Motor Transport Division
(P.D. vehicle involved) | <input type="checkbox"/> NYC Taxi & Limousine Comm.
(if a Licensed taxi or limousine involved) | <input type="checkbox"/> Other City Agency
(Specify) |
| <input type="checkbox"/> Office of Comptroller
(if a City vehicle involved) | <input type="checkbox"/> Personnel Safety Unit
(If a P.D. vehicle involved) | <input type="checkbox"/> Highway Unit | |

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

PROPERTY DAMAGED (other than vehicles)**OWNER OF PROPERTY (include city agency, where applicable)****IF NYPD VEHICLE IS INVOLVED:**

Police Vehicle	Operator's First Name	Last Name	Rank	Shield No.	Tax ID. No.	Command
Make of Vehicle	Year	Type of Vehicle	Plate No.	Dept. Vehicle No.	Assigned To What Command	
Equipment in Use At Time of Accident						
<input type="checkbox"/> Siren	<input type="checkbox"/> Horn	<input type="checkbox"/> Turret Light	<input type="checkbox"/> 4-Way Flasher	<input type="checkbox"/> High-Level Warning Lights	<input type="checkbox"/> Traffic Cones	<input type="checkbox"/> Headlights

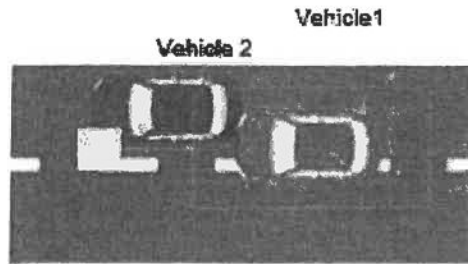
ACTIONS OF POLICE VEHICLE

- | | |
|--|---|
| <input type="checkbox"/> Responding to Code Signal | <input type="checkbox"/> Complying with Station House Directive |
| <input type="checkbox"/> Pursuing Violator | <input type="checkbox"/> Routine Patrol |
| <input type="checkbox"/> Other (Describe) | |

Rear End : MV-2018-107-002746

Reporting Officer : POM JAKE R GASPARI

Reviewing Officer : SGT GUILLERMO A SUAREZ Reviewed Date : 08/06/2018 09:49



PEDESTRIAN/BICYCLIST/OTHER PEDESTRIAN LOCATION			APPARENT CONTRIBUTING FACTORS		
1. Pedestrian/Bicyclist/Other Pedestrian at Intersection 2. Pedestrian/Bicyclist/Other Pedestrian Not at Intersection			Human 2. Alcohol Involvement 3. Backing Unsafely 4. Driver Inattention/Distracted* 5. Driver Inexperience* 6. Drugs (Illegal) 7. Failure to Yield Right-of-Way 8. Fell Asleep 9. Following Too Closely 10. Illness 11. Lost Consciousness 12. Passenger Distraction 13. Passing or Lane Usage Improper 14. Pedestrian/Bicyclist/Other Pedestrian Error/Confusion 15. Physical Disability 16. Prescription Medication 17. Traffic Control Disregarded 18. Turning Improperly 19. Unsafe Speed 20. Unsafe Lane Changing 21. Fatigued/Drowsy 22. Cell Phone (hand-held) 23. Cell Phone (hands-free) 24. Other Electronic Device* 25. Outside Car Distraction* 26. Reaction to Uninvolved Vehicle 27. Failure to Keep Right 28. Aggressive Driving/Road Rage* 29. Passing Too Closely 30. Vehicle Vandalism 31. Texting 32. Using On Board Navigation Device 33. Eating or Drinking 34. Listening/Using Headphones		
PEDESTRIAN/BICYCLIST/OTHER PEDESTRIAN ACTION 1. Crossing, With Signal 2. Crossing, Against Signal 3. Crossing, No Signal, Marked Crosswalk 4. Crossing, No Signal or Crosswalk 5. Riding/Walking/Skating Along Highway With Traffic 6. Riding/Walking/Skating Along Highway Against Traffic 7. Emerging from In Front of/ Behind Parked Vehicle 8. Going to/From Stopped School Bus 9. Getting On/Off Vehicle Other Than School Bus 11. Working in Roadway 12. Playing in Roadway 13. Other Actions in Roadway* 14. Not in Roadway (Indicate)*			Vehicular 41. Accelerator Defective 42. Brakes Defective 43. Headlights Defective 44. Other Lighting Defects 45. Oversized Vehicle 46. Steering Failure 47. Tire Failure/Inadequate 48. Tow Hitch Defective 49. Windshield Inadequate 50. Driverless/Runaway Vehicle 51. Tinted Windows 60. Other Vehicular* Environmental 61. Animal's Action 62. Glare 63. Lane Marking Improper/ Inadequate 64. Obstruction/Debris 65. Pavement Defective 66. Pavement Slippery 67. Shoulders Defective/ Improper 68. Traffic Control Device Improper/Non-Working 69. View Obstructed/Limited		
TRAFFIC CONTROL 1. None 2. Traffic Signal 3. Stop Sign 4. Flashing Light 5. Yield Sign 6. Officer/Guard 7. No Passing Zone 8. RR Crossing Sign 9. RR Crossing Flashing Light 10. RR Crossing Gates 11. Stopped School Bus- Red Lights Flashing 12. Construction Work Area 13. Maintenance Work Area 14. Utility Work Area 15. Police/Fire Emergency 16. School Zone 20. Other*			DIRECTION OF TRAVEL: 		
LIGHT CONDITIONS 1. Daylight 2. Dawn 3. Dusk 4. Dark-Road Lighted 5. Dark-Road Unlighted			PRE-ACCIDENT VEHICLE ACTION 1. Going Straight Ahead 2. Making Right Turn 3. Making Left Turn 4. Making U Turn 5. Starting from Parking 6. Starting in Traffic 7. Slowing or Stopping 8. Stopped in Traffic 9. Entering Parked Position 10. Parked 11. Avoiding Object in Roadway 12. Changing Lanes 13. Passing 14. Merging 15. Backing 18. Police Pursuit 20. Other*		
ROADWAY CHARACTER 1. Straight and Level 2. Straight and Grade 3. Straight at Hillcrest 4. Curve and Level 5. Curve and Grade 6. Curve at Hillcrest			LOCATION OF MOST SEVERE PHYSICAL COMPLAINT 1. Head 2. Face 3. Eye 4. Neck 5. Chest 6. Back/Spine 7. Shoulder-Upper Arm 8. Elbow-Lower Arm-Hand 9. Abdomen - Pelvis 10. Hip-Upper Leg 11. Knee-Lower Leg-Foot 12. Entire Body		
ROADWAY SURFACE CONDITION 1. Dry 2. Wet 3. Muddy 4. Snow/Ice 5. Slush 6. Flooded 0. Other*			LOCATION OF FIRST EVENT 1. On Roadway 2. Off Roadway		
WEATHER 1. Clear 2. Cloudy 3. Rain 4. Snow 5. Sleet/Hail/Freezing Rain 6. Fog/Smog/Smoke 0. Other*			TYPE OF PHYSICAL COMPLAINT 1. Amputation 2. Concussion 3. Internal 4. Minor Bleeding 5. Severe Bleeding 6. Minor Burn 7. Moderate Burn 8. Severe Burn 9. Fracture - Distorted - Dislocation 10. Contusion - Bruise 11. Abrasion 12. Complaint of Pain or Nausea 13. None Visible 14. Whiplash 15. Crush Injuries 16. Paralysis 17. Severe Lacerations		
WHICH VEHICLE OCCUPIED 1. Vehicle No. 1 2. Vehicle No. 2 A. All-Terrain Vehicle (ATV) B. Bicyclist C. In-Line Skater O. Other* P. Pedestrian S. Snowmobiler			TYPE OF ACCIDENT -- COLLISION WITH 1. Other Motor Vehicle 2. Pedestrian 3. Bicyclist 4. Animal 5. Railroad Train 7. Deer 8. Other pedestrian 10. Other Object (Not Fixed)*		
POSITION IN/ON VEHICLE 1. Driver 2-7. Passengers 8. Riding/Hanging on Outside			COLLISION WITH FIXED OBJECT 11. Light Support/Utility Pole 12. Guide Rail-Not At End 13. Crash Cushion 14. Sign Post 15. Tree 16. Building/Wall 17. Curbing 18. Fence 19. Bridge Structure 20. Culvert/Head Wall 21. Median-Not At End 22. Median-End 23. Barrier 24. Snow Embankment 25. Earth Embankment/Rock Cut/Ditch 26. Fire Hydrant 30. Other Fixed Object* NO COLLISION 31. Overturned 32. Fire/Explosion 33. Submersion 34. Ran Off Roadway Only 40. Other*		
SAFETY EQUIPMENT USED 1. None 2. Lap Belt 3. Harness 4. Lap Belt/Harness 5. Child Restraint Only 6. Helmet (Motorcycle Only) 7. Air Bag Deployed 8. Air Bag Deployed/Lap Belt 9. Air Bag Deployed/Harness A. Air Bag Deployed/Lap Belt/Harness B. Air Bag Deployed/Child Restraint 0. Other*			EJECTION FROM VEHICLE 1. Not Ejected 2. Partially Ejected 3. Ejected AGE SEX M/F		
In-Line Skater/Bicyclist C. Helmet Only D. Helmet/Other E. Pads Only F. Stoppers Only 0. Other*			VICTIM'S PHYSICAL AND EMOTIONAL STATUS 1. Apparent Death 2. Unconscious 3. Semiconscious 4. Incoherent 5. Shock 6. Conscious INJURED TAKEN 17 BY TO 18		

MV-104COV (7/18)

There are only 3 valid entries for injury code boxes 14, 15 and 16:

1. three dashes (-) meaning “does not apply” because no injury occurred.
2. three X’s meaning that an injury did occur but its complete nature is “unknown”.
3. three numeric injury codes which individually reflect the LOCATION OF MOST SEVERE PHYSICAL COMPLAINT, the TYPE OF PHYSICAL COMPLAINT and the VICTIM’S PHYSICAL AND EMOTIONAL STATUS.

The injury codes in column 14, the LOCATION OF MOST SEVERE PHYSICAL COMPLAINT, are self-explanatory. Definitions of the injury codes for columns 15 and 16 are as follows:

COLUMN 15 - TYPE OF PHYSICAL COMPLAINT:
This column is used to describe the type of physical injury sustained. The following are definitions of the Types of Physical Complaints for Column 15.

1. Amputation — Severed parts.
2. Concussion — Dazed condition as the result of a blow to the head.
3. Internal — No visible injury, but signs of anxiety, internal pain and thirst.
4. Minor Bleeding — Slight discharge of blood.
5. Severe Bleeding — Steady flow of blood that is not controlled.
6. Minor Burn — Reddening of the skin.
7. Moderate Burn — Reddening, blistering of skin over large area.
8. Severe Burn — Reddening, blistering or charring of the skin over a large portion of the body.
9. Fracture — Distorted — Dislocation — Limb is disformed, bone is visible, evidence of bone displacement.
10. Contusion/Bruise — Discoloration.
11. Abrasion — Top layer of skin is scraped.
12. Complaint of Pain or Nausea — No visible signs of injury, but victim makes verbal complaint.
13. None Visible — No visible injuries, but victim is other than normal.
14. Whiplash — Complaint of neck and head pain.
15. Crush Injuries — Part of body is pinned or trapped and the victim cannot escape.
16. Paralysis — Any loss of movement that is not voluntary.
17. Severe Lacerations — Exposure of under tissue and/or oozing active bleeding.

Column 16 — VICTIM’S PHYSICAL AND EMOTIONAL STATUS: Column 16 is used to describe the overall condition of the injured person. A victim’s status is defined as follows:

1. Apparent Death.
2. Unconscious — Victim unaware of surroundings, and does not respond to verbal or physical stimuli.
3. Semi-conscious — Victim not fully aware of surroundings.
4. Incoherent — Lacking orderly continuity of thought.
5. Shock — Depressed condition of all body functions, resulting from serious injury or incident.
6. Conscious — Normal and aware of surroundings.

COLUMN 17 — INJURED TAKEN BY: The means by which an injured person is transported to a hospital is to be recorded in Column 17. If the vehicle is an ambulance with a New York ambulance license plate, enter the license plate number. For injured persons taken for emergency medical treatment in a vehicle other than an ambulance with a NY ambulance license plate, enter the following codes in column 17:

9992 Helicopter
9993 Unknown Ambulance
9994 Coroner’s Van or Municipal Emergency Equip.
9995 Private Vehicle
9996 Invalid Coach (Funeral)
9997 Fire Vehicle
9998 Police Car
9999 Police Ambulance

COLUMN 18 — INJURED TAKEN TO: See the hospital codes on the bleed-through sheet.

For additional information on filling out this form, refer to the Police Crash Report Submission Instructions (Form P-33).

MV-104COV (7/18)

ALBANY COUNTY HOSPITALS

Albany Medical Center Hospital - 0101
 Childs Hospital - 0104
 Eddy Cohoes Rehabilitation Center - 0107
 Memorial Hospital - 0103
 St. Peter's Hospital - 0102
 V.A. Hospital - 0106

ALLEGANY COUNTY HOSPITALS

Cuba Memorial Hospital - 0201
 Memorial Hospital of William & Gertrude F. Jones - 0202

BRONX COUNTY HOSPITALS

Bronx Municipal Hospital Center - 7003
 Bronx Psychiatric Center - 7004
 Bronx V.A. Hospital - 7005
 Calvary Hospital Inc.- 7006
 Lincoln Hospital and Medical Health Center - 7010
 Our Lady of Mercy Medical Center - 7011
 Montefiore Hospital and Medical Center - 7012
 North Central Bronx Hospital - 7026
 Our Lady of Mercy Medical Center Durso Pavilion - 7016
 Prospect Hospital After Care - 7017
 St. Barnabas Hospital - 7019
 The Bronx-Lebanon Hospital Center Concourse Division - 7020
 The Bronx-Lebanon Hospital Center Fulton Division - 7021
 Montefiore Hosp. J. D. Weiler Hosp. of
 A. Einstein Coll. of Med. - 7022
 Union Hospital - 7023
 Westchester Square Hospital - 7025
 Montefiore Center, Henry and Lucy Moses Division - 7026

BROOME COUNTY HOSPITALS

Binghamton Psychiatric Center - 0305
 Medcenter Division of United Health Services - 0303
 Our Lady of Lourdes Memorial Hospital - 0304
 United Health Services-Binghamton General Hospital Div. - 0301
 United Health Services-Wilson Hospital Division - 0302

CATTARAUGUS COUNTY HOSPITALS

Olean General Hospital - Main - 0401
 Olean General Hospital - West - 0405
 Parkway Primary Care - 0406
 Tri-County Memorial Hospital - 0404

CAYUGA COUNTY HOSPITALS

Auburn Memorial Hospital - 0501

CHAUTAUQUA COUNTY HOSPITALS

Brooks Memorial Hospital - 0601
 Jamestown General Hospital - 0602
 Lake Shore Hospital Inc. - 0603
 WCA Hospital at Jones Memorial Health Center - 0606
 Westfield Memorial Hospital - 0604
 Womans Christian Association - 0605

CHEMUNG COUNTY HOSPITALS

Arnot-Ogden Memorial Hospital - 0701
 St. Joseph's Hospital - 0702

CHENANGO COUNTY HOSPITALS

Chenango Memorial Hospital Inc. - 0801

CLINTON COUNTY HOSPITALS

Champlain Valley Physicians Hospital - 0901
 Plattsburgh Air Force Base Hospital - 0903

COLUMBIA COUNTY HOSPITALS

Columbia-Greene Medical Center, Columbia Division - 1001

CORTLAND COUNTY HOSPITALS

Cortland Memorial Hospital Inc. - 1101

DELAWARE COUNTY HOSPITALS

Community Hospital - 1201
 Delaware Valley Hospital - 1202
 Margaretville Memorial Hospital - 1203
 O'Connor Hospital, Division of Bassett Health Care - 1205
 The Hospital - 1206

DUTCHESS COUNTY HOSPITALS

Highland Hospital - 1304
 Hudson River Psychiatric Center - 1301
 Northern Dutchess Hospital - 1305
 St. Francis Hospital - 1307
 V.A. Medical Center, Castle Point - 1302
 Vassar Brothers Hospital - 1306

NEW YORK STATE HOSPITAL CODES**ERIE COUNTY HOSPITALS**

Bertrand Chaffee Hospital - 1402
 Booth Memorial Hospital - 1410
 Buffalo Columbus Hospital, Inc. - 1412
 Buffalo General Hospital - 1404
 Buffalo General Hospital - Deaconess Center - 1414
 Buffalo Psychiatric Center - 1421
 Childrens Hospital - 1413
 Erie County Medical Center - 1405
 Gowanda Psychiatric Center - 1407
 Kenmore Mercy Hospital - 1416
 Lafayette General Hospital - 1417
 Mercy Hospital - 1418
 Millard Fillmore Hospital - 1401
 Millard Fillmore Suburban Hospital - 1423
 Our Lady of Victory Hospital - 1408
 Roswell Park Memorial Institute - 1420
 Sheehan Memorial Hospital - 1406
 Sisters of Charity Hospital - 1411
 Sheridan Park Hospital - 1415
 St. Francis Hospital - 1419
 St. Joseph Hospital of Cheektowaga - 1422
 V.A. Medical Center - 1403

ESSEX COUNTY HOSPITALS

Adirondack Medical Center - Lake Placid Site - 1504
 Elizabethtown Community Hospital - 1501
 Moses-Ludington Hospital - 1503

FRANKLIN COUNTY HOSPITALS

Adirondack Medical Center - Saranac Lake Site - 1605
 Alice Hyde Memorial Hospital - 1602
 Mercy General Hospital - 1603
 Sunmount Hospital - 1604

FULTON COUNTY HOSPITALS

Johnstown Hospital - 1701
 Nathan Littauer Hospital - 1702

GENESEE COUNTY HOSPITALS

Batavia V. A. Hospital - 1803
 Genesee Memorial Hospital - 1801
 St. Jerome Hospital - 1802

HERKIMER COUNTY HOSPITALS

Herkimer Memorial Hospital - 2101
 Little Falls Hospital - 2102
 Mohawk Valley General Hospital - 2103

JEFFERSON COUNTY HOSPITALS

Camp Drum Hospital - 2205
 Carthage Area Hospital - 2201
 Edward J. Noble Hospital of Alexandria Bay - 2202
 House of the Good Samaritan - 2203
 Mercy Hospital of Watertown - 2204

Kings County Hospitals

Baptist Medical Center of New York - 7141
 Brookdale Hospital Center - 7103
 Brooklyn Hospital Center Downtown Campus - 7105
 Brooklyn V.A. Hospital - 7107
 Brooklyn Hospital Center Caledonian Campus - 7108
 Carson C. Peck Memorial Hospital - 7109
 Community Hospital of Brooklyn - 7110
 Coney Island Hospital - 7111
 Flatbush General Hospital - 7113
 Hospital of the Holy Family Division of Catholic Med. Ctr. - 7115
 Jewish Hospital and Medical Center - 7118
 Kings County Hospital Center - 7119
 Kings Highway Hospital - 7120
 Kingsbrook Jewish Medical Center - 7121
 Long Island College Hospital - 7124
 Lutheran Medical Center - 7126
 Maimonides Medical Center - 7127
 Methodist Hospital of Brooklyn - 7128
 St. John's Interfaith Medical Center - 7132
 St. Mary's Hospital of Brooklyn - 7133
 State University Hospital Downstate Medical Center - 7134
 Victory Memorial Hospital - 7137
 Wyckoff Heights Medical Center - 7139
 Woodhull Medical and Mental Health Center - 7142
 University Hospital of Brooklyn - 7143
 Wyckoff Heights Med. Ctr. Jackson Heights Division - 7144

LEWIS COUNTY HOSPITALS

Lewis County General Hospital - 2401

LIVINGSTON COUNTY HOSPITALS

Dansville Memorial Hospital - 2501
 Mt. Morris Tuberculosis Hospital - 2502
 Nicholas H. Noyes Memorial Hospital - 2503

MADISON COUNTY HOSPITALS

Community Memorial Hospital - 2601
 Oneida City Hospital - 2602

MONROE COUNTY HOSPITALS

Genesee Hospital - 2708
 Highland Hospital - 2701
 Lakeside Memorial Hospital - 2702
 Monroe Community Hospital - 2709
 Park Ridge Hospital - 2703
 Rochester General Hospital - 2704
 Rochester Psychiatric Center - 2707
 St. Mary's Hospital - 2705
 Strong Memorial Hospital - 2706

MONTGOMERY COUNTY HOSPITALS

Amsterdam Memorial Hospital - 2801
 St. Mary's Hospital - 2802

NASSAU COUNTY HOSPITALS

Central General Hospital - 2908
 Franklin General Hospital Medical Center - 2913
 Hempstead General Hospital - 2907
 H.I.P. Hospital of Long Island - 2903
 Long Beach Hospital - 2900
 Long Island Jewish Hillside Medical Center - 2918
 Lydia E. Hall Hospital - 2912
 Massapequa General Hospital - 2917
 Mercy Hospital - 2915
 Mid Island Hospital - 2910
 Nassau County Medical Center - 2909
 North Shore University Hospital - 2901
 North Shore Univ. Hosp. at Glen Cove - 2902
 South Nassau Community Hospital - 2911
 St. Francis Hospital - 2916
 Syosset Community Hospital - 2919
 Winthrop University Hospital - 2905

NEW YORK COUNTY HOSPITALS

New York Downtown Hospital - 7201
 Bellevue Hospital Center - 7202
 Beth Israel Medical Center - 7203
 Coler Memorial Hospital - 7204
 Cabrini Medical Center - 7258
 Columbia-Presbyterian Medical Center - 7205
 Doctors Hospital - 7208
 Flower and Fifth Avenue Hospital - 7209
 Goldwater Memorial Hospital - 7212
 Harlem Hospital Center - 7215
 Hospital for Joint Diseases - 7216
 Hospital for Special Surgery - 7218
 Joint Diseases North General Hospital - 7259
 Lenox Hill Hospital - 7223
 Manhattan Eye, Ear and Throat Hospital - 7226
 Manhattan State Hospital - 7227
 Manhattan V.A. Hospital - 7228
 Medical Arts Center Hospital - 7229
 Memorial Hospital for Cancer & Allied Diseases - 7230
 Metropolitan Hospital Center - 7231
 Mount Sinai Hospital - 7233
 New York Hospital - 7234
 New York Eye and Ear Infirmary - 7237
 New York Infirmary - 7239
 New York University Medical Center - 7241
 Rockefeller University Hospital - 7246
 St. Luke's Roosevelt Hospital Center - 7247
 Saint Clare's Hospital and Health Center - 7249
 St. Luke's Hospital Center - 7251
 St. Vincent's Hospital and Medical Center - 7252
 Presbyterian Hospital in NYC A. Pavilion Division - 7260
 Presbyterian Hospital in the City of New York - 7261

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NEW YORK STATE HOSPITAL CODES**NIAGARA COUNTY HOSPITALS**

Degraff Memorial Hospital - 3101
 Inter-community Memorial Hospital - 3102
 Lockport Memorial Hospital - 3103
 Mount. St. Mary's Hospital - 3104
 Mount View Hospital - 3105
 Niagara Falls Memorial Medical Center - 3106
 Ransomville General Hospital - 3107

ONEIDA COUNTY HOSPITALS

Childrens Hospital and Rehabilitation Center - 3201
 Faxton Hospital, Inc. - 3203
 Griffis A.F.B. Hospital - 3209
 Marcy Psychiatric Center - 3202
 Rome Hospital & Murphy Memorial Hospital - 3204
 Rose Hospital - 3206
 St. Elizabeth Hospital - 3207
 St. Luke's Memorial Hospital Center - 3208
 Utica Psychiatric Center - 3205

ONONDAGA COUNTY HOSPITALS

Community-General Hospital - 3302
 Crouse-Irving Memorial Hospital - 3305
 St. Joseph's Hospital - 3304
 St. Mary's Hospital of Syracuse - 3306
 State University Hospital Upstate Medical Center - 3307
 V.A. Hospital - 3301

ONTARIO COUNTY HOSPITALS

Canandaigua V.A. Hospital - 3401
 Clifton Springs Hospital and Clinic - 3403
 Frederick Ferris Thompson Hospital - 3402
 Geneva General Hospital - Long Term Care - 3404

ORANGE COUNTY HOSPITALS

Arden Hill Hospital - 3505
 Cornwall Hospital - 3506
 Horton Memorial Hospital - 3503
 Middletown Psychiatric Center - 3504
 St. Anthony Community Hospital - 3507
 Mercy Community Hospital of Port Jervis - 3508
 St. Luke's Hospital of Newburgh - 3509
 Tuxedo Memorial Hospital Health Care Center - 3501
 West Point Hospital - 3514

ORLEANS COUNTY HOSPITALS

Medina Memorial Hospital - 3602

OSWEGO COUNTY HOSPITALS

A.L. Lee Memorial Hospital - 3701
 Oswego Hospital - 3702

OTSEGO COUNTY HOSPITALS

Aurella Osborn Fox Memorial Hospital - 3801
 Mary Imogene Bassett Hospital - 3803

PUTNAM COUNTY HOSPITALS

Julia L. Butterfield Memorial Hospital - 3901
 Putnam Hospital Center - 3902

Queens County Hospitals

Astoria General Hospital - 7301
 Booth Memorial Medical Center - 7302
 Boulevard Hospital - 7303
 Catholic Medical Center - Brooklyn-Queens, Inc. 7304
 City Hospital Center at Elmhurst (Satellite) - 7305
 Creedmore Psychiatric Center - 7306
 Deepdale General Hospital - 7307
 Flushing Hospital and Medical Center - 7308
 Catholic Medical Center-Brooklyn-Queens, Inc. St. Joseph's Hospital Div. - 7309
 H.I.P. Hospital, Inc. - 7310
 Jamaica Hospital - 7311
 Long Island Jewish-Hillside Medical Center - 7314
 Mary Immaculate Hospital Div. of Cath. Med. Ctr., Brooklyn-Queens - 7315
 Parkway Hospital - 7316
 Parsons Hospital - 7317
 Peninsula Hospital Center - 7318
 Physician's Hospital - 7319
 Queens Hospital Center - 7321
 St. John's Episcopal Hospital South Shore Div. - 7322
 St. Albans Naval Hospital - 7323
 St. John's Queen Hospital Div. of Cath. Med. Ctr., Brooklyn-Queens - 7324
 St. Mary's Hospital for Children - 7325
 Laguardia Hospital - 7326

RENSSELAER COUNTY HOSPITALS

Leonard Hospital - 4101
 Samaritan Hospital - 4102
 St. Mary's Hospital - 4103

RICHMOND COUNTY HOSPITALS

Bayley Seton Hospital - 7408
 Doctor's Hospital of Staten Island - 7401
 Richmond Memorial Hospital and Health Center - 7402
 Sea View Hospital and Home - 7403
 St. Vincent's Medical Center of Richmond - 7404
 Staten Island Hospital - The Urgent Care Center - 7405
 U.S. Public Health Service Hospital (Marine Hospital) - 7406
 Staten Island University Hospital - North - 7409
 Staten Island University Hospital - South - 7410

ROCKLAND COUNTY HOSPITALS

Good Samaritan Hospital - 4302
 Helen Hayes Hospital - 4305
 Nyack Hospital - 4303
 N.Y.S. Rehabilitation Hospital - 4304
 Rockland Psychiatric Center - 4301
 Summit Park Hospital - Rockland Co. Infirmary - 4306

ST. LAWRENCE COUNTY HOSPITALS

A. Barton Hepburn Hospital - 4401
 Canton-Potsdam Hospital - 4406
 Clifton Fine Hospital - 4403
 Edward J. Noble Hospital - (Canton) - 4404
 Edward J. Noble Hospital - (Gouverneur) - 4408
 Messina Memorial Center Hospital - 4405
 St. Lawrence Psychiatric Center - 4407

SARATOGA COUNTY HOSPITALS

Adirondack Regional Hospital - 4502
 Benedict Health Center - 4503
 Saratoga Hospital - 4501

SCHENECTADY COUNTY HOSPITALS

Bellevue Maternity Hospital - 4605
 Ellis Hospital - 4603
 St. Clare's Hospital - 4601

SCHOHARIE COUNTY HOSPITALS

Community Hospital of Schoharie County, Inc. - 4701

SCHUYLER COUNTY HOSPITALS

Schuyler Hospital - 4801

SENECA COUNTY HOSPITALS

Seneca Falls Hospital - 4901
 Taylor-Brown Health Care Center and Nursing Home - 4902
 Willard Psychiatric Center - 4903

STEBEN COUNTY HOSPITALS

Bath V.A. Hospital - 5005
 Bethesda Hospital - 5001
 Corning Hospital - 5002
 Ira Davenport Memorial Hospital - 5003
 St. James Mercy Hospital - 5004

SUFFOLK COUNTY HOSPITALS

Brookhaven Memorial Hospital - 5116
 Brunswick Hospital Center - 5111
 Central Islip Psychiatric Center - 5117
 Central Suffolk Hospital - 5101
 Community Hospital of Western Suffolk - 5112
 Eastern Long Island Hospital - 5121
 Good Samaritan Hospital - 5108
 Huntington Hospital - 5104
 J.T. Mather Hospital - 5110
 Kings Park Psychiatric Center - 5113
 Pilgrim Psychiatric Center - 5107
 Southampton Hospital - 5119
 Southside Hospital - 5114
 South Oaks Psychiatric Center - 5109
 St. Charles Hospital - 5122
 St. John's Smithtown Hospital - 5115
 Suffolk State School - 5133
 University Hospital Stony Brook - 5134
 V.A. Medical Center - Northport - 5118

SULLIVAN COUNTY HOSPITALS

Community General Hosp. of Sullivan Co. - G. Herman Div. - 5201
 Community General Hosp. of Sullivan Co. - Harris - 5204

TIOGA COUNTY HOSPITALS

Tioga General Hospital - 5301

TOMPKINS COUNTY HOSPITALS

Robert Packer Hospital - 5402
 Tompkins Community Hospital - 5401

ULSTER COUNTY HOSPITALS

Benedictine Hospital - 5503
 Ellenville Community Hospital - 5502
 Kingston Hospital - 5501

WARREN COUNTY HOSPITALS

Glens Falls Hospital, Inc. - 5601

WASHINGTON COUNTY HOSPITALS

Emma Laing Stevens Hospital - 5701
 Mary McClellan Hospital - 5702

WAYNE COUNTY HOSPITALS

Lyons Community Hospital - 5802
 Meyers Community Hospital - 5803
 Newark-Wayne Community Hospital, Inc. - 5804

WESTCHESTER COUNTY HOSPITALS

Blythedale Childrens Hospital - 5901
 Burke Rehabilitation Center - 5902
 Community Hospital at Dobbs Ferry - 5903
 FDR V.A. Hospital in Montrose - 5911
 Hudson Valley Hospital Center - 5908
 Lawrence Hospital - 5906
 Mount Vernon Hospital - 5920
 New Rochelle Hospital Medical Center - 5923
 Northern Westchester Hospital - 5907
 NY Hospital-Cornell Medical Center-Westchester Div. - 5916
 Phelps Memorial Hospital - 5909
 St. Agnes Hospital - 5919
 St. John's Riverside Hospital - 5910
 St. Joseph's Hospital - 5925
 St. Vincent's Hospital and Medical Center of NY - 5917
 United Hospital - 5912
 Westchester County Medical Center - 5905
 White Plains Hospital - 5913
 Yonkers General Hospital - 5914

WYOMING COUNTY HOSPITALS

Wyoming County Community Hospital - 6001

YATES COUNTY HOSPITALS

Soldiers and Sailors Memorial Hospital - 6101

OUT-OF-STATE

Canada - 9270
 Connecticut - 9370
 Massachusetts - 9170
 New Jersey - 9670
 Pennsylvania - 9470
 Vermont - 9070
 Any Other - 9970

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TRUCK/BUS CLASSIFICATION

The table below gives the codes that should be entered on the MV-104A (Police Accident Report) in the box (Vehicle Type". These codes apply to all buses except school buses, and to all trucks except pick-up trucks.

For example, an accident-involved vehicle that is a flat-bed truck with two axles on the tractor and two on the trailer would be coded G3; a New York City transit authority bus would be coded A.









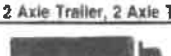
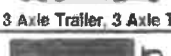
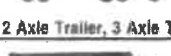



We also request that the investigating officer provide the following information about cargo in the "Accident Description/Officer Notes" section, where applicable.

Was vehicle authorized:

1. to be oversize (height and/or width load)
2. to carry an overweight load?

and/or labeled to transport:

3. flammable/explosive materials?
4. poisonous/corrosive materials?
5. radioactive materials?
6. other hazardous cargo (explain?)

		TYPE OF VEHICLE		
		(1) BOX 	(2) TANK 	(3) PLATFORM 
N U M B E R O F A X L E S	C  2 Axle Single Unit	C1	C2	C3
	D  3 Axle Single Unit	D1	D2	D3
	E  4 Axle Single Unit	E1	E2	E3
	F  1 Axle Trailer, 2 Axle Tractor	F1	F2	F3
	G  2 Axle Trailer, 2 Axle Tractor	G1	G2	G3
	H  3 Axle Trailer, 3 Axle Tractor	H1	H2	H3
	I  2 Axle Trailer, 3 Axle Tractor	I1	I2	I3
	J  3 Axle Trailer, 3 Axle Tractor	J1	J2	J3
	K  2 Axle Trailer, 3 Axle Truck	K1	K2	K3
	L  Semi & Trailer, Tractor 5 Axle (Doubles)	L1	L2	L3
	M  Other Combinations	M1	M2	M3
B U S E S	A TRANSIT BUS	A	A	A
	B OVER-THE ROAD COACH	B	B	B